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FISCAL IMPACT STATEMENT

LS 6661

BILL NUMBER: SB 147

NOTE PREPARED: Dec 21, 2009

BILL AMENDED:

SUBJECT: Law Enforcement Issues.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Child Seduction:* The bill provides that a law enforcement officer who engages in sexual conduct with a child who is at least 16 and less than 18 years of age and at least five years younger than the law enforcement officer commits child seduction, a Class D felony.

False Informing: The bill also increases the penalty for false reporting to a Class D felony if it is committed by means of a computer network and it substantially hinders any law enforcement process or if it results in harm to an innocent person.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Child Seduction:* There are no data available to indicate how many offenders may be convicted of child seduction, a Class D felony, based on the additional criteria for the offense established under the bill.

[Under current law, child seduction is committed by an offender who is at least 18 years of age and who has a particular relationship to the victim. On average between 2005 and 2008, there were four offenders a year committed to a state correctional facility for child seduction.]

False Informing: Also, there are no data available to indicate how many offenders may be convicted of false informing as a Class D felony if reporting by computer network and substantially hindering law enforcement or harming an innocent person are elements of the offense. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. False informing is currently a Class B misdemeanor, but may be a Class A misdemeanor if it substantially hinders law enforcement or harms an innocent person.

Class D Felony: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected or a larger criminal fine is assessed, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. The maximum fine for a Class B misdemeanor is \$1,000 and for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, if an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days and for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC.

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